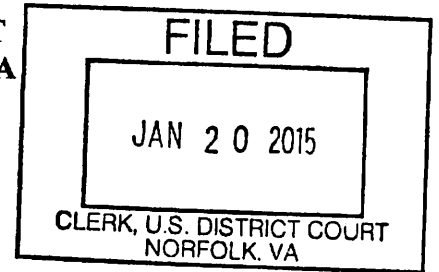


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**



JEFFREY EDWARD PORTER,

PETITIONER,

CIVIL ACTION NO. 2:14-cv-15

v.

**HAROLD W. CLARKE, Director,
Virginia Department of Corrections,**

RESPONDENT.

FINAL ORDER

This matter comes before the Court Jeffrey Edward Porter's ("Petitioner") Petition for a Writ of *Habeas Corpus* filed pursuant to 28 U.S.C. § 2254 and the Harold W. Clark's ("Respondent") Motion to Dismiss the Petition. In his Petition, the *pro se* Petitioner challenges the constitutionality of his January 5, 2012 conviction for unlawful wounding. Petitioner was sentenced to a total of five years' imprisonment.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Eastern District of Virginia Local Civil Rule 72, and the April 2, 2002, Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation filed on November 24, 2014, the Magistrate Judge recommended that the Court grant the Motion to Dismiss, finding the Petitioner's claims to be procedurally defaulted. (ECF No. 15). The parties were advised of their right to file written objections to the Report and Recommendation. On January 7, 2015, the Petitioner filed his objection to the Report and Recommendation. (ECF No. 17). The Respondent did not file an objection, and the time to do so has expired.

Pursuant to Federal Rule of Civil Procedure 72(b)(3), the Court has reviewed *de novo* the Magistrate Judge's Report and Recommendation and the Petitioner's objections. After review, the Court fully accepts the findings and recommendations of the Magistrate Judge, and accordingly, hereby **ADOPTS** and **APPROVES** the Report and Recommendation, (ECF No. 15), and it is therefore **ORDERED** that the Respondent's Motion to Dismiss, (ECF No. 10), is **GRANTED**, and that the Petition, (ECF No. 1), is **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for the Respondent.

IT IS SO ORDERED.



Robert G. Douglas
Senior United States District Judge

UNITED STATES DISTRICT JUDGE

Norfolk, VA
January 20, 2015